@))

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8705 of 2004

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAGDISH VISHVANATH DAVE

Versus

STATE OF GUJARAT AND OTHERS

Appearance:
1. Special Civil Application No. 8705 of 2004
MR KIRTIDEV R DAVE for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1-4
NOTICE SERVED for Respondent No. 4

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

Date of decision: 15/02/2005

ORAL JUDGEMENT

After having heard Mr.K.R.Dave, learned Advocate for the petitioner and Mr.M.R.Mengdey, learned Assistant Government Pleader and considering the conspectus of the facts, the following order is deemed necessary to be passed:

The resignation dated 28th February, 1986 from the service tendered by the petitioner, copy whereof has been placed on record at "Annexure-D" in this petition, which is addressed to the Director of Health and Medical Services of Gujarat State and duly signed by the petitioner i.e. Dr.J.V.Dave, could not be considered and finalised for the pendency of a criminal case filed under the Prevention of Corruption Act, which has now admittedly culminated into finality and that too acquittal.

Obviously, therefore, the resignation pending with the Government for consideration shall have to be processed and decided, and upon such exercise, the retiral dues of Provident Fund and permissible other benefits shall have to be paid to the petitioner in accordance with law and relevant provisions under the Rules. Therefore, the petition is not pressed, at this stage, by Mr.Dave, learned Advocate.

In view of aforesaid statement, the petition shall not survive as `not pressed' at this stage. Notice discharged without any order as to costs. Liberty to move the Court in case the dispute is not considered and resolved by the end of May, 2005.

(DR. J. N. BHATT, J.)

/shamnath